

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FAIRFIELD INVESTMENT FUND LIMITED,
STABLE FUND, FAIRFIELD GREENWICH
LIMITED, FAIRFIELD
GREENWICH (BERMUDA) LTD.,
FAIRFIELD GREENWICH ADVISORS, LLC,
FAIRFIELD INTERNATIONAL MANAGERS,
INC., WALTER NOEL, JEFFREY
TUCKER, ANDRES PIEDRAHITA, AMIT
VIJAYVERGIYA, PHILIP TOUB, CORINA
NOEL PIEDRAHITA, FAIRFIELD GREENWICH
CAPITAL PARTNERS and SHARE MANAGEMENT
LLC,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 09-01239 (CGM)

**ORDER DENYING DEFENDANTS' MOTION TO DISMISS AS TO
ALL CLAIMS EXCEPT THOSE AGAINST
CORINA NOEL PIEDRAHITA IN HER INDIVIDUAL CAPACITY**

WHEREAS, Irving H. Picard (the “Trustee”) is the trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the substantively consolidated estate of Bernard L. Madoff in the above-captioned adversary proceeding No. 09-01239 (“Adversary Proceeding”);

WHEREAS, on August 28, 2020, the Trustee filed the Second Amended Complaint in the Adversary Proceeding (ECF No. 286) alleging claims against defendants Fairfield Investment Fund Limited (“FIFL”), Stable Fund (“Stable Fund”), Fairfield Greenwich Limited (“FG Limited”), Fairfield Greenwich (Bermuda) Ltd. (“FG Bermuda”), Fairfield Greenwich Advisors, LLC (“FG Advisors”), Fairfield International Managers, Inc. (“Fairfield International Managers”), Walter Noel, Jeffrey Tucker, Andres Piedrahita, Amit Vijayvergiya, Philip Toub, Corina Noel Piedrahita, Fairfield Greenwich Capital Partners (“FG Capital”), and Share Management LLC (“Share Management”) (collectively, “Defendants”);

WHEREAS, this cause having come before this Court on the motion of Defendants, by and through their counsel, seeking entry of an order granting Defendants’ Motion to Dismiss the Second Amended Complaint (“Motion”);

WHEREAS, the Court, having considered the Memorandum of Law in Support of Defendants’ Motion (ECF No. 305-1); the Declaration of Peter E. Kazanoff in Support of Defendants’ Motion (ECF No. 305-2) and its accompanying exhibits (ECF No. 305-3 – 305-8); the Trustee’s Memorandum of Law in Opposition to Defendants’ Motion (ECF No. 311); and Defendants’ Reply Memorandum of Law in Support of Defendants’ Motion (ECF No. 313);

WHEREAS, on June 16, 2021, the Court heard oral argument on the Motion; and

WHEREAS, on August 6, 2021, the Court issued a Memorandum Decision (ECF No. 336), which is incorporated herein and made a part hereof, granting in part and denying in part Defendants' Motion,

NOW, THEREFORE, IT IS HEREBY ORDERED, that

Defendants' Motion is **DENIED**, except that Defendants' Motion is **GRANTED** with respect to Counts Eight and Fourteen to the extent those counts assert individual claims against Corina Noel Piedrahita, which are dismissed without prejudice, and **DENIED** to the extent those counts assert claims against Corina Noel Piedrahita as an alleged partner of Fairfield Greenwich Group.

Dated: September 14, 2021
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge